

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RADHIKA VEGESNA, Personal :
Representative of the ESTATE :
OF RAJESH PADMARAJU, Deceased :
Plaintiff :

VS. :

MANDEEP SINGH, SAMINDER SINGH :
and SAMINDER SINGH d/b/a ISD :
TRANSPORTATION COMPANY, INC., :
Defendants :

NO. 03-295 ERIE

NO. 03-317 ERIE

NO. 04-34 ERIE

PLAINTIFF'S MOTION TO COMPEL
PER F.R.C.P. 37

AND NOW comes the Plaintiff, RADHIKA VEGESNA, by her counsel, ANDREW J. CONNER of CONNER RILEY & FRYLING, 17 West Tenth Street, P.O. Box 860, Erie, Pennsylvania 16512-0860, and files this Motion to Compel Defendants to respond to discovery per F.R.C.P. 37, alleging as follows:

1) This Motion is filed per F.R.C.P. 37, et al, requesting the Court to enter an Order compelling the Defendants to provide full and complete responses to previously timely filed discovery requests.

2) Plaintiff filed and timely served multiple written discovery requests to both Defendants requesting each to provide discoverable information and documents, and the Defendants have refused to provide either the documents or the information responsive to these requests. The discovery requests which were served to which no responses have been filed include the following:

- (a) Plaintiff's December 2, 2004 Second Supplemental Requests directed to ISD (Exhibit "A");

- (b) Plaintiff's December 2, 2004 Request for Production directed to Mandeep Singh (Exhibit "B");
- (c) Plaintiff's December 2, 2004 Interrogatories directed to Mandeep Singh (Exhibit "C");
- (d) Plaintiff's April 25, 2005 Supplemental Requests directed to Mandeep Singh (Exhibit "D");
- (e) Plaintiff's April 26, 2005 Third Supplemental Requests to Saminder Singh and ISD (Exhibit "E"); and
- (f) Plaintiff's April 29, 2005 Requests for Admissions directed to Mandeep Singh (Exhibit "F").

3) Subsequent to serving the discovery requests, made reference to in the previous Paragraph of this Motion, Plaintiff's counsel communicated with Defendant's counsel, asking them to respond to these requests. Attached hereto as Exhibit "G" is a copy of Plaintiff's counsel's May 10, 2005 letter to Defendants' counsel. Defendants have provided no verbal or written responses to these requests.

4) Subsequent to this letter, Plaintiff, on June 1, 2005, filed a Motion requesting a two week extension to file her Pre-Trial Narrative Statement, attaching the unanswered discovery requests, made reference to in Paragraph 2 of this Motion.

5) Since the filing of discovery requests, made reference to above, Plaintiff, through other available discovery procedures, has ascertained the following information:

- (a) The Defendant, Mandeep Singh of Shafter, California, owned a cell phone, (661) 330-5807 as of October 5, 2001 (see Exhibit "H" attached hereto, which was marked as Exhibit #9 in the May 16, 2005 deposition of Elizabeth Lavin);
- (b) The Defendant, Mandeep Singh, was not employed by Major Express, as reported in Mandeep Singh's June 12, 2001 ISD employment application (see Exhibit "I" attached hereto, which is Major Express' response to FRCP 45 Subpoena filed and served May 2, 2005);
- (c) The Defendant, Mandeep Singh, as of October 5, 2001, lived at 30348 Madera Avenue, Shafter, California 93263 with his sister, Kaur Karmjit, who had telephone number (661) 746-2900, which was the telephone number Defendant, Mandeep Singh, at the scene of this fatality, provided the Pennsylvania State Police. along with a driver's license and other information that he resided at 1637 Hooper Road, Yuba City, California.

6) The unanswered discovery requests set forth in Paragraph 2 of this Motion relate to certain specific contested liability issues, including the following:

- (a) Whether the Defendant, Mandeep Singh, at the accident scene, falsely identified himself to the Pennsylvania State Police as being a Mandeep Singh

who resided at 1639 Hooper Road, Yuba City, California;

- (b) Whether the Defendant, Mandeep Singh, falsely represented to ISD on or about June 12, 2001 that he had previously been employed as a long haul tractor-trailer driver with Major Express;
- (c) Whether the Defendant, Saminder Singh, provided false deposition testimony on April 15, 2005, when he testified, under oath, that, in June of 2001 before he hired Mandeep Singh, he had called Major Express in June, 2001 as part of his responsibility, per 49 CFR 391.23(c) and 391.51(b)(2), in employing Mandeep Singh, and was advised by a Major Express representative in that telephone conversation that Mandeep Singh had been employed by Major Express and they regarded him a "good long haul driver" (see pages 40 and 41 of Saminder Singh's April 15, 2005 deposition transcript, Exhibit "J" attached hereto).

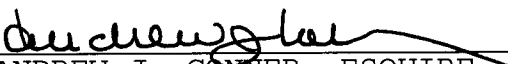
7) Information responsive to some of these outstanding discovery requests has been obtained in about 500 pages of depositions of the named Defendants and their representatives taken in Bakersfield, California and Philadelphia, Pennsylvania. However, the specific outstanding discovery requests to which Plaintiff is unable to obtain information from third party sources include the following:

- (a) The Defendant, Mandeep Singh's cell phone records for September through November, 2001;
- (b) The Defendant, Mandeep Singh's 2000 and 2001 tax returns, 1099 and W-2 statements;
- (c) The 1099 and W-2 statements provided Defendant by Major Express and any other employers;
- (d) The W-s and 1099 statements provided to the Defendant, Mandeep Singh, by the Defendant, ISD, for 2000 and 2001.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter an Order directed Defendants to file Responses/ Answers to Plaintiff's outstanding Requests for Production and Interrogatories.

Respectfully submitted,

CONNER RILEY & FRYLING

BY 
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DATED: July 28, 2005.